

WOOD CRAPO LLC
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Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

LINDA COOGAN and KENNETH)	
MORELLI,)	<i>NOTICE OF REMOVAL</i>
)	
Plaintiffs,)	
)	
v.)	
)	Civil No. 2:10-cv-00682-CW
JOAN A. STEED; FRANK JOE STEED;)	
HIGHLAND DEVELOPMENT, INC.,)	
DUCHESNE LAND LC,)	
)	
Defendants.)	
)	
)	

Defendants Joan A. Steed, Frank Joe Steed, Highland Development, Inc., and Duchesne Land LC (collectively “Defendants”), pursuant to 28 U.S.C. §§ 1441 and 1446, hereby file this Notice of Removal of the above-described action to the United States District Court for the District of Utah, from the District Court of the Third Judicial District of the State of Utah, in and for Salt Lake County, where the action is now pending and state:

1. The above-entitled civil action was filed in the District Court of the Third Judicial District of the State of Utah, in and for the County of Salt Lake, on June 17, 2010, and is now pending in that court.

2. Defendants were served with the Summons and Complaint and Jury Demand for this case on June 23, 2010. *See* Exhibits A and B attached hereto.

3. Joan A. Steed, and Frank Joe Steed are individuals and are both residents of the State of Utah.

4. Highland Development, Inc. is a Utah corporation with its principal place of business in Utah, and Duchesne Land LC is a Utah limited liability company with its principal place of business in Utah.

5. Thirty days have not elapsed since Defendants were served with process and thus this notice of removal is timely under 28 U.S.C. § 1446(b).

6. Plaintiffs' Complaint is a civil action which alleges that Defendants defrauded Plaintiffs by, among other things, intentionally misrepresenting facts as to the construction of the lots and cabin for which plaintiffs had entered into a contract to purchase. *See* Exh. B, ¶¶ 122-130.

7. Plaintiffs also allege that the defendants engaged in racketeering activities including mail and/or wire fraud, money laundering, and illegal monetary transactions. *See* Exh. B, ¶¶ 122-130.

8. Specifically, Plaintiffs assert claims for, among others, breach of contract (fifth claim for relief), civil conspiracy (sixth claim for relief), and fraud misrepresentation (seventh claim for relief). *See* Exh. B, ¶¶ 148-161.

9. Plaintiffs' Complaint raises federal claims by means of notice pleading for an alleged pattern of unlawful racketeering activities. *See* 18 U.S.C. § 1961 et seq.

10. Consequently, the United States District Court for the District of Utah has subject matter jurisdiction under 28 U.S.C. § 1331 based on Plaintiffs' federal claims asserted in Plaintiffs' Complaint. Accordingly, Defendants remove this case pursuant to 28 U.S.C. § 1441(b) as "arising under the Constitution, treaties or laws of the United States."

11. Defendants file with this notice a copy of all process, pleadings, and orders served upon Defendants in this action as required by 28 U.S.C. § 1446(a). These documents are attached hereto as Exhibits A through C, which consist of a Summons, Complaint and Demand for Jury, and Answer.

12. Defendants will give written notice of the filing of this notice to all adverse parties as required by 28 U.S.C. § 1446(d).

13. A copy of this notice will be filed with the clerk of the District Court of the Third Judicial District of the State of Utah, in and for the County of Salt Lake, as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendants request that this action proceed in this Court as an action properly removed to it.

DATED this 21st day of July, 2010.

WOOD CRAPO LLC

s/ Mary Anne Q. Wood

Mary Anne Q. Wood

Stephen Q. Wood

WOOD CRAPO LLC

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 21st day of July, 2010, I caused a true and correct copy of the foregoing ***NOTICE OF REMOVAL*** to be served in the U.S. mail, postage prepaid, to the following:

Brian W. Steffensen
Steffensen Law Office
2159 South 700 East, Suite 240
Salt Lake City, Utah 84106

Attorneys for Plaintiffs

/s/ Mary Anne Q. Wood
